
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Comcast of South Florida I, Inc.)	File No.: EB-FIELDSCR-13-00009698
Owner of Antenna Structure No. 1036025)	
)	NOV No.: V201332600010
)	
Hialeah, Florida)	

NOTICE OF VIOLATION

Released: July 17, 2013

By the Resident Agent, Miami Office, South Central Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Comcast of South Florida, I, Inc. (Comcast), owner of antenna structure number 1036025 in Hialeah, Florida. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation(s) noted herein.²

2. On June 21, 2013, an agent of the Enforcement Bureau's Miami Office inspected antenna structure number 1036025 located at 4586 Palm Avenue, Hialeah, FL, and observed the following violations:

- a. 47 C.F.R. § 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified." During the daytime inspection, the top-mounted medium intensity white strobe was not functioning. According to the FCC Antenna Structure Registration (ASR) for antenna structure number 1036025, the tower requires a top-mounted medium intensity white strobe for daytime and night, as specified in FCC Paragraphs A1, H. The agent also observed that the top-mounted medium intensity white strobe was still not functioning during daytime inspections on June 25 and 27, 2013. Finally, the agent observed that the top-mounted medium intensity white strobe was not functioning during a nighttime inspection on June 28, 2013.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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- b. 47 C.F.R. § 17.47(a)(2): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: . . . (2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights as to provide indication of such failure to the owner.” Both Comcast and their contracted tower site management company stated to an agent that antenna structure 1036025 utilizes an automatic alarm system designed to detect and alert them of any light failure, but the system did not indicate an alarm on June 24 or June 28, 2013.
- c. 47 C.F.R. § 17.47(b): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part . . . (s)hall inspect at intervals not to exceed three months all automatic or mechanical control devices, indicators, and alarm systems associated with the antenna structure lighting to insure that such apparatus is functioning properly.” According to documents provided to this office by the contracted tower site management company on June 24, 2013, the last inspection of the tower lighting and associated light monitoring system occurred more than three months ago, on January 30, 2013, with the next inspection due one year from that date.
- d. 47 C.F.R. § 17.48(a): “The owner of any antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part: (a) shall report immediately by telephone or telegraph to the nearest Flight Service Station or office of the Federal Aviation Administration any observed or otherwise known extinguishment or improper functioning of any top steady burning light or any flashing obstruction light, regardless of its position on the antenna structure, not corrected within 30 minutes.” An agent notified the contracted tower site management company about the observed lighting outage on June 24, 2013, but Comcast did not notify the FAA of the outage until June 28, 2013.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Comcast must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Comcast to support its response

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

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to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Comcast with personal knowledge of the representations provided in Comcast's response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Miami Office
P.O. Box 520617
Miami, FL 33152-0617

6. This Notice shall be sent to Comcast of South Florida, I, Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Steven DeSena
Resident Agent
Miami Office
South Central Region
Enforcement Bureau

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).